IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

Bail Appl..No. 7497 of 2007

(CRIME NO. 266/2007 OF THE MANJESHWAR POLICE STATION)

PETITIONER/ ACCUSED

MUNEER ABDULLA KUNJATHOOR,
W/O.MOHAMMEDKUNHI, KUCHIKKAT HOUSE,
KUNJATHOOR P.O., MANJESHWAR.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REP. BY SHO
MANJESHWAR POLICE STATION, REP. BY PUBLIC
PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7497 of 2007

Dated this the 6th day of December 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered under Section 468 I.P.C and Section 12B of the Passport Act. The crux of the allegations is that the petitioner who is employed abroad and must hence presumed to be having a passport already, made a second application for issue of passport without revealing the fact of earlier passport. To facilitate the issue of passport, he allegedly produced along with the application for passport, forged extract of the admission register in which the date of birth and other details are incorrectly shown. The signature and seal of the person who issues the passport were also forged. Complaint was lodged by the police officer after verifying the details. Crime is registered. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He may now be granted anticipatory bail, it is prayed.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioner has to be interrogated. Why did he make an application for a fresh passport when he is already assumed to

be having one? For what purpose he wanted to utilise the same? These questions are to be ascertained for which exhaustive interrogation of the petitioner is necessary. The petitioner may not be permitted to arm himself with an order of anticipatory bail at this stage. That would hamper the smooth course of investigation, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This, I agree with the learned Public Prosecutor, is a fit case where the petitioner must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007